

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

IN RE:	§	
	§	CASE NO. 13-20434-C-13
LORRAINE M. CORTEZ,	§	(CHAPTER 13)
DEBTOR	§	

**BRUCE CALLAWAY'S
EXPEDITED MOTION FOR RELIEF FROM STAY AS TO
REAL ESTATE, 1806 LORITTE, CORPUS CHRISTI, TEXAS**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

MOVANT IS REQUESTING A HEARING ON THIS MOTION ON FEBRUARY 24, 2014 AT 9:00 A.M. IN THE BANKRUPTCY COURTROOM, 1133 N. SHORELINE BLVD., 2ND FLOOR, CORPUS CHRISTI, TEXAS.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: Bruce Callaway.
3. Movant, directly or as agent for the holder, holds security interest in property Lot 8, Block 7, Monterrey Gardens Unit 4, Corpus Christi, Texas known as 1806 Loritte, Corpus Christi, TX 78416.
4. Movant has reviewed the schedules filed in this case. The collateral described in paragraph 3 is claimed as exempt by the debtor.
5. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): home.
6. Debtor's scheduled value of property: \$70,133.00.
7. Movant's estimated value of property: \$81,641.00.

8. Total amount owed to Movant: \$10,367.75.
9. Estimated equity (paragraph 7 minus paragraph 8): \$69,677.34.
10. Total pre and post-petition arrearages: \$2,705.08.
11. Total post-petition arrearages: \$1,647.55.
12. Amount of unpaid, past due property taxes, if applicable: \$1,595.91.
13. Expiration date on insurance policy, if applicable: unknown.
14. _____ Movant seeks relief based on the debtor's failure to make payments. Debtor's payment history is attached as exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representation.
15. X Movant seeks relief based on the debtor's failure to provide a certificate of insurance reflecting insurance coverage as required under the debtor's pre-petition contracts.
16. If applicable: Name of Co-Debtor: N/A
17. Based on the foregoing, movant seeks termination of the automatic stay [and the co-debtor stay, if applicable] to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.
18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtors' counsel either by telephone, by e-mail or by facsimile, by the following persons on the following dates: by Marty Alvarez' email on December 12, 2013 to Ralph Perez. An agreement could not be reached. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two business days before this motion was filed.

Date: February 6, 2014.

Respectfully submitted,

/s/ Kevin M. Maraist
Kevin M. Maraist
State Bar No. 12962020

ANDERSON, LEHRMAN, BARRE & MARAIST, L.L.P.
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*Attorneys-in-Charge for
Bruce Callaway*

AFFIDAVIT OF KEVIN M. MARAIST

STATE OF TEXAS §

COUNTY OF NUECES §

BEFORE ME, the undersigned authority, on this day personally appeared Kevin M. Maraist who upon his oath deposes and states as follows:

My name is Kevin M. Maraist, I am above the age of 18, I am competent to make this Affidavit and I have personal knowledge of the facts stated herein. The facts stated herein and in the attached motion are true.

An expedited hearing is necessary on the Motion for Relief From Stay as the property is uninsured.

Further Affiant sayeth not.

/s/ Kevin M. Maraist
Kevin M. Maraist

SWORN TO BEFORE ME the undersigned authority on this 6th day of February, 2014.

/s/ Martha Alvarez
Notary Public, State of Texas

CERTIFICATE OF SERVICE

I certify that on February 6, 2014, a true and correct photocopy of Bruce Callaway's Expedited Motion for Relief From Automatic Stay was served on each of the following parties by first-class mail, postage prepaid or electronically by the Clerk of the Court:

/s/ Kevin M. Maraist
Kevin M. Maraist

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SERVICE LIST

Ralph Perez
Attorney at Law
4646 Corona, Ste. 165
Corpus Christi, TX 78411

Lorraine M. Cortez
1806 Loritte
Corpus Christi, TX 78416

Cindy Boudloche, Chapter 13 Trustee
555 N. Carancahua, Ste. 600
Corpus Christi, TX 78478

U.S. Trustee
606 N. Carancahua
Corpus Christi, TX 78401

Nueces County Tax Assessor
P.O. Box 2810
Corpus Christi, TX 78403-2810

Propel Financial Services, LLC
P.O. Box 100350
San Antonio, TX 78201

Regional Acceptance Co.
Attn: Bankruptcy
266 Beacon ave.
Winterville, NC 28590

Santander Consumer Usa
P.O. Box 961245
Ft Worth, TX 76161

World Acceptance Corp
Attn: Bankruptcy
P.O. Box 6429
Greenville, SC 29606

Ad Astra Rec
8918 W. 21st St., N Suite 200
Mailbox: 112
Wichita, KS 67205

Approved Money Center
3912 SPID
Corpus Christi, TX 78415

Atlas Credit
4338 Ayers
Corpus Christi, TX 78415

Avante
2950 S. Gessner
Houston, TX 77063

Caine & Wiener
P.O. Box 5010
Woodland Hills, CA 91365

Central Fin
Attn: Bankruptcy
P.O. Box 66044
Anaheim, CA 92816

Cert-Med
P.O. Box 782408
San Antonio, TX 78278

Credit Coll
2 Wells Ave.
Newton, MA 02459

Credit Collections
P.O. Box 773
Needham, MA 02494

Credit Management LP
4200 International Pkwy
Carrollton, TX 75007

Del Mar Fin
4812 Ayers
Corpus Christi, TX 78415

DJO
599 Cardigan Rd
St. Paul, MN 55126

ER Solutions/Convergent Outsourcing Inc.
P.O. Box 9004
Renton, WA 98057

First Premier Bank
601 S. Minnesota Ave.
Sioux Falls, SD 57104

First Source Advantage, LLC
205 Bryant Woods South
Amherst, NY 14228

MCI
CAS Dept
500 Technology Dr.
Weldon Springs, MO 63304

Midland Fund
8875 Aero Dr. Ste. 200
San Diego, CA 92123

Mitchel D. Luhm & Assoc
2222 Texoma, Ste. 160
Sherman, TX 75090

Mnet Fin Inc.
95 Argonaut
Aliso Viejo, CA 92656

Municipal Services Bureau
P.O. Box 16777
Austin, TX 78761

National Recovery Agen
2491 Paxton St
Harrisburg, PA 17111

NCO Fin/99
P.O. Box 15636
Wilmington, DE 19850

Pinnacle Financial Group
7825 Washington Ave. @ Ste. 410
Minneapolis, MN 55439-2409

Receivables Management
14675 Martin Dr.
Eden Prairie, MN 55344

Sarma Coll
1801 Broadway St.
San Antonio, TX 78215

The Bourassa Law Group
P.O. Box 28039
Las Vegas, NV 89126

The Bureaus Inc.
Attn: Bankruptcy Dept
1717 Central St
Evanston, IL 60201

The Cash Store
4117 S. Staples, Ste. 280
Corpus Christi, TX 78411

Travis County EMS
15 Waller St., 2nd Floor
Austin, TX 78702

Wells Fargo
4938 S. Staples C-16
Corpus Christi, TX 78411

World Acceptance Corp
Attn: Bankruptcy
P.O. Box 6429
Greenville, SC 29606

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114-1294

National Bankruptcy Service Center
P.O. Box 537901
Livonia, MI 48153-7901

Texas Comptroller of Public Accts
Bankruptcy Div
P.O. Box 13528
Austin, TX 78711-3528

Texas Workforce Comission
TWC Building
Austin, TX 78778